

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
N/S Belair Road, 248 ft. N of *
c/l Pinedale Drive * ZONING COMMISSIONER
9420 Belair Road *
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
9420 Holding Corporation * Case No. 99-22-X
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 9420 Belair Road in the Perry Hall community of northeastern Baltimore County. The Petition was filed by Mr. Charles E. Lawrence, Jr., President of 9420 Holding Corporation, property owner. Special Exception relief is requested to approve additions to a community building owned by a masonic organization named Mt. Nebo Lodge, pursuant to Section 1B01.1.C. of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

Appearing at the public hearing held for this case were Allen Keller, George Hunt and Charles E. Lawrence, Jr., all on behalf of the Petitioner. Also present was Vincent J. Moskunus, the engineer who prepared the site plan, and Paul Gorman. The Petitioner was represented by Newton A. Williams, Esquire and Ronald W. Parker, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is an irregularly shaped lot, approximately 3.437 acres in area, split zoned D.R.5.5 and D.R.3.5. The predominant zoning of the property is D.R.3.5 (3.384 acres) with a small strip zoned D.R.5.5 (.053 acres). The property is presently improved with two buildings and a parking area which supports same. Vehicular access to the site is by way of Belair Road, although the

COPIES RECEIVED FOR FILING

Date

By

property does have access from the rear yard to Dawnvale Road in the residential community which abuts same.

The two buildings are used by a Masonic Lodge which has been chartered since 1956. As indicated above, the lodge is known as the Mt. Nebo Lodge and special exception relief for the existing building/use was granted in case No. 77-61-X in 1976.

Additional testimony and evidence offered was that the buildings are used for activities of the Masonic Lodge including dinners, fund raising events and limited catering. It was indicated that the Lodge holds meetings typically during the evening from 7:30 to 10:30 P.M. In addition to meetings of the lodge members, ancillary organizations, such as the Eastern Star, also use the facility.

The Petitioners propose a substantial building addition to the property. It was indicated that the improvements will cost approximately \$500,000.00. As shown on the site plan, a substantially sized addition will be constructed which will connect the existing two buildings. The resulting structure will be residential in appearance, in terms of its architectural design and pitched roof. It was indicated that additional space is needed to accommodate the functions of the lodge. Specifically, additional office space will be provided as well as the larger dining area, etc.

Special Exception relief is necessary to approve the proposed improvements. Clearly, the existing and proposed use is permitted in the D.R. zone by special exception. Section 1B01.C.1.4 allows "Community buildings, swimming pools, commercial beaches, golf courses, country clubs or similar civic, social, and recreational education uses . . . ", by special exception. The use falls within that definition.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Special Exception. It is significant that the use has existed at this location for approximately 20 years, apparently without detrimental impact to the surrounding locale. As noted above, there were no Protestants present and the testimony offered was that the lodge provides a valuable amenity for the neighborhood and community at large. I believe that the special exception should be approved and the proposed improvements permitted. There was no testimony or evidence that the existing use will change and/or that the addition will cause any negative impacts on the neighborhood.

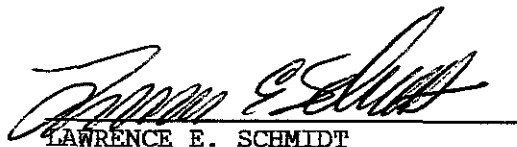
Testimony and evidence were also offered regarding the possible application of the Residential Transition Area (RTA) requirements. The RTA requirements are set out in Section 1B01.1.B. of the BCZR. Basically, the RTA requirements are generated so as to protect residential communities from incompatible development. A review of the RTA regulations supports the conclusion that the property is exempt from these requirements. Specifically, Section 1B01.1.B.g.(9) provides an exemption for, "An addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking and screening requirements are maintained." In my judgment, the additions to the existing Mt. Nebo Lodge clearly fall within this exemption. Thus, no relief for variance is necessary from the RTA requirements.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of September 1998 that, pursuant to the Petition for Special Exception, approval for additions to a community building owned by

a fraternal organization named Mt. Nebo Lodge, pursuant to Section 1B01.1.C. of the BCZR, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECORDED FOR FILING
DATE 12/2/98
BY CH. Givah



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 1, 1998

Newton A. Williams
Nolan, Plumhoff and Williams Chartered
Suite 700 Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

Ronald W. Parker, Esquire
11450 Pulaski Highway
White Marsh, Maryland 21162

RE: Petition for Special Exception
Case No. 99-22-X
Property: 9420 Belair Road
9420 Holding Corporation, Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

att.

- c: Mr. Charles E. Lawrence, Jr.
President, 9420 Holding Corporation
2056 Rainer Avenue
BelAir, Maryland 21015
- c: Mr. Vincent J. Moskunas
M & H Dev. Eng. Inc.
200 E. Joppa Road
Baltimore, Md. 21286



7-15-98

NOTE TO FILE:

1. APPLICANT WAS ADVISED OF FOLLOWINGS:

A. POTENTIAL RTA ISSUE.

B. NO PARKING CALCS. SHOWN.

C. DPC REQ'D FOR ADDITIONS.

99.22-X



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at #9420 Belair Road.

which is presently zoned D.R. 3.5 &
D.R. 5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a Fraternal Organization which is named Mt. Nebo Lodge

(1801-1.C;BL22) (community Bldg.) BM

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

Mr. Charles E. Lawrence, Jr.

(Type or Print Name) President, 9420 Holding Corp.

Signature

(Type or Print Name)

Signature

2056 Rainer Avenue
Bel Air, MD 21015

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

M&H Dev. Eng.

Vincent J. Moskunas

Name

200 E. Joppa Rd. Rm 101 (410) 828-9060

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

7-15-98



Revised 9/5/95

99-22-X

22



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at #9420 Belair Road

which is presently zoned D.R. 3.5 &
D.R. 5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a Fraternal Organization which is named Mt. Nebo Lodge

(BOL. I.C. 6; BLZR) (community Bldg) - BMH

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

Mr. Charles E. Lawrence, Jr.

(Type or Print Name) President, 9420 Holding Corp.

Signature

(Type or Print Name)

Signature

2056 Rainer Avenue
Bel Air, MD 21015

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

M&H Development

Vince J. Moskunas

Name

200 E Joppa Rd. Rm 101 (410) 828 9060

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY: JCM

DATE 7-15-98



Revised 9/5/95

99-22-X

22



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at #9420 Belair Road

which is presently zoned D.R. 3.5 &
D.R. 5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a Fraternal Organization which is named Mt. Nebo Lodge

(IBO.I.C.G.; BLZR) (Community Bldg.) Bldg.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

Mr. Charles E. Lawrence, Jr.

(Type or Print Name) President, 9420 Holding Corp.

Signature

(Type or Print Name)

Signature

2056 Rainer Avenue
Bel Air, MD 21015

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

M&H Dev. Eng.

Vincent J. Moskunas

Name

200 E. Joppa Rd. Rm 101

(410) 828-9060

Address

Towson MD 21286

Phone No.

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

7-25-98



Revised 9/5/95

99-22-X

22

RE: PETITION FOR SPECIAL EXCEPTION
9420 Belair Road, N/S Belair Rd, 248' N of c/l
Pinedale Dr, 11th Election District, 5th Councilmanic

Legal Owners: 9420 Holding Corp.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: ⁹⁹98-22-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Ronald W. Parker, Esq., 11450 Pulaski Highway, White Marsh, MD 21162, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

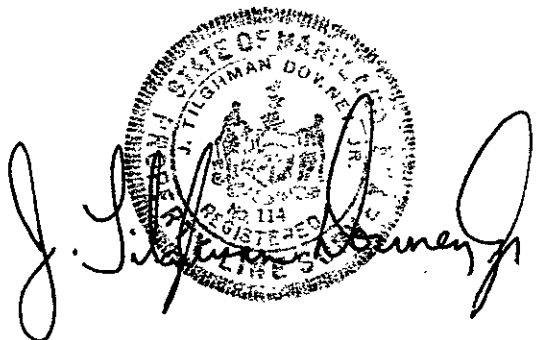
M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21286

ZONING DESCRIPTION FOR #9420 BELAIR ROAD

BEGINNING at a point on the north side of Belair Road which is 60' wide at the distance of 248' north of the centerline of Pinedale Drive which is 40' wide. Thence N 21° 01' 23" E, 265.00 feet; thence N 47° 58' 37" W, 155 feet; thence N 79° 36' 02" W, 379.45 feet; thence S 40° 21' 14" W, 68.24 feet; thence having a curve to the left with a radius of 200 feet the distance of which is 98.89 feet; thence S 21° 18' 53" E, 208.69 feet; thence S 79° 36' 02" E, 365.00 feet to the Place of Beginning, as recorded in Deed Liber 5718, folio 324.

Containing 3.437 acres of land, more or less.



J. Tilghman Downey, Jr.

22

99-22-X

28.5-PA

BALTIMORE COUNTY, MARYL D
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

22

No. 056192

DATE 7.13.95 ACCOUNT REC-6150

AMOUNT \$ 300.00

RECEIVED FROM: 7420 16400 (copy)

FOR: (copy) 7420-64

09-22-X

PAID RECEIPT
PROCESS ACTUAL TIME
7/15/1998 7/15/1998 09:22:16
REL 0901 CASHIER CLERK CML DIGNER J
5 MISCELLANEOUS CASH RECEIPT
Receipt # 057372
CR NO. 059192
300.00 CHECK
Baltimore County, Maryland

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-22-X
Petitioner/Developer:
(9420 Holding Corp.)
Date of Hearing/Closing:
(August 25, 1998)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

9420 Belair Road Baltimore, Maryland 21236 _____

The sign(s) were posted on _____ August 10, 1998 _____
(Month, Day, Year)

Sincerely,

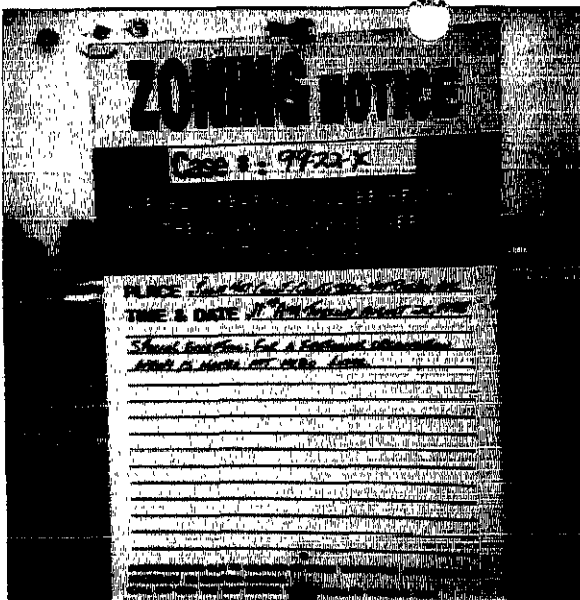

(Signature of Sign Poster & Date)

**_____
Thomas P. Ogle, Sr.**

**_____
325 Nicholson Road**

**_____
Baltimore, Maryland 21221**

**_____
(410)-687-8405
(Telephone Number)**



**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-22-X
9420 Belair Road
N/S Belair Road, 248' N of
centerline Pineade Drive
11th Election District
5th Councilmanic District

Legal Owner(s):

9420 Holding Corp.

Special Exception: for a fraternal organization, which is named Mt. Nebo Lodge.

Hearing: Tuesday, August 25, 1998 at 11:00 a.m., in Room 407, County Courts Bldg., 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3381.

8/058 Aug. 6 C248029

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/6/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/6/, 1998.

THE JEFFERSONIAN,

A. H. Erickson

LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 22

Petitioner: 9420 Holding Corp

Location: 9420 Belair Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: 9420 Holding Corp c/o Charles Lawrence, Jr

ADDRESS: 2056 Ravier Avenue
Bel Air, MD 21015

PHONE NUMBER: _____

AJ:ggs

(Revised 09/24/96)

99-22-X

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 7-26-98

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-22-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL EXCEPTION To Approve The
SUBJECT Property For use (R2 FRM) AS A
Community Building (FRATERNAL ORGANIZATION)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
August 6, 1998 Issue - Jeffersonian

Please forward billing to:

9420 Holding Corp.
c/o Charles Lawrence Jr.
2056 Ranier Avenue
Bel Air, MD 21015

no phone number listed on form
(Attorney - Ronald Parker - 410-335-3800)

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-22-X
9420 Belair Road
N/S Belair Road, 248' N of centerline Pinedale Drive
11th Election District - 5th Councilmanic District
Legal Owner: 9420 Holding Corp.

Special Exception for a fraternal organization, which is named Mt. Nebo Lodge.

HEARING: Tuesday, August 25, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue.



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 28, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-22-X
9420 Belair Road
N/S Belair Road, 248' N of centerline Pinedale Drive
11th Election District - 5th Councilmanic District
Legal Owner: 9420 Holding Corp.

Special Exception for a fraternal organization, which is named Mt. Nebo Lodge.

HEARING: Tuesday, August 25, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue.

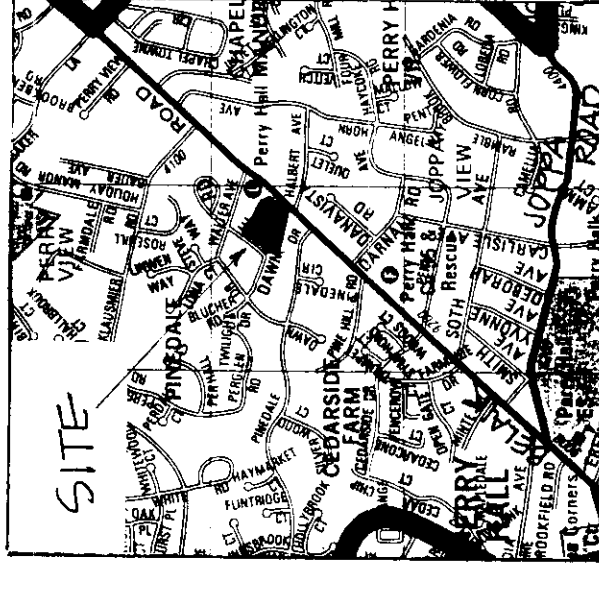
A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon ^{scs}
Director

c: Ronald W. Parker, Esquire
9420 Holding Corp.
M&H Dev. Eng.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 10, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





SCALE: 1" = 2000'

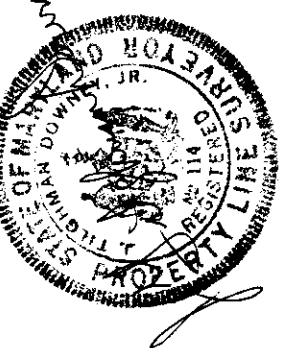
22

- LOCATION INFORMATION
1. LOCATION OF THE PROPOSED DEVELOPMENT
 2. LOCATION OF THE EXISTING DEVELOPMENT
 3. LOCATION OF THE EXISTING DEVELOPMENT
 4. LOCATION OF THE EXISTING DEVELOPMENT
 5. LOCATION OF THE EXISTING DEVELOPMENT
 6. LOCATION OF THE EXISTING DEVELOPMENT
 7. LOCATION OF THE EXISTING DEVELOPMENT
 8. LOCATION OF THE EXISTING DEVELOPMENT
 9. LOCATION OF THE EXISTING DEVELOPMENT
 10. LOCATION OF THE EXISTING DEVELOPMENT

- LEGEND
- EX. 2' COTTERS
 - PROF. BLDG.
 - EX. BLDG.
 - ELECTRIC LINE
 - EX. ZONING
 - PROF. PARKING SPACES

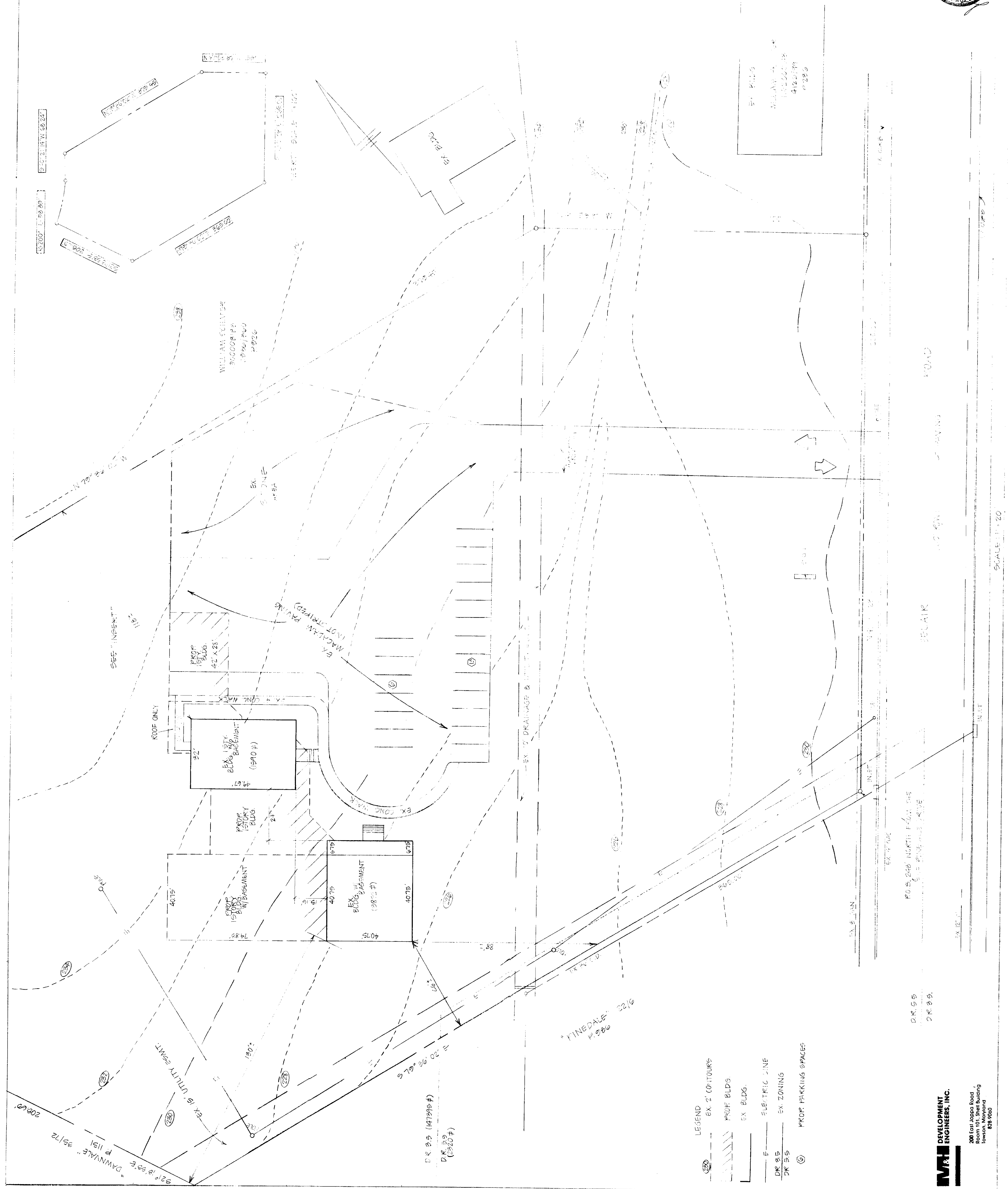
DEVELOPMENT
ENGINEERS, INC.

200 East Joplin Road
Room 101, Shell Building
Lowell, Kansas
64501



Set No 1

99-22-X





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1998

Mr. Vincent Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road, Room 101
Towson, MD 21286

RE: Item No.: 22
Case No.: 99-22-X
Location: 9420 Belair Rd.

Dear Mr. Moskunas:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 15, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 10, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 3, 1998
Item Nos. 019, 021, 022, 023, 024,
and 029

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

July 31, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: 9420 Holding Corp. 022
John J. Germenko 024
Halethorpe Community Church 026

Location: DISTRIBUTION MEETING OF July 27, 1998

Item No.: 022, 024, and 026 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

DATE: 7/27/98

SUBJECT: Zoning Advisory Committee
Meeting Date: 7/27/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

19 24
20 25
21
22

RBS:sp

BRUCE2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7-24-94
Item No. 022 JCM

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

to Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

8/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: July 30, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 9420 Belair Road

INFORMATION

Item Number: 22
Petitioner: 9420 Belair Road
Zoning: DR 3.5 & DR 5.5
Requested Action: Special Exception

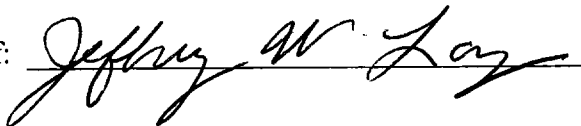
Summary of Recommendations:

The Office of Planning supports the expansion of the Masonic Lodge provided that the following conditions are met:

- 1) The architectural design and building materials of the proposed additions are compatible with the existing structures;
- 2) The parking lot is adequately buffered from the view of the adjacent property to the rear, as well as the view from Belair Road; and
- 3) Any sign erected on the property should be in keeping with the residential character of the area.

Prior to the issuance of any permits, the applicant should supply elevation drawings of the proposed addition, a landscape plan and a rendering of the proposed sign to the Office of Planning for review and approval. If there should be any questions or if additional information is needed, please contact Karin Brown at 410-887-3480.

Section Chief:



AFK/JL



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 1, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams, Chartered
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

RE: Case No. 99-22-X
Mount Nebo Lodge 229

Dear Mr. Williams:

This is to acknowledge receipt of your letters of September 23, 1998 and October 1, 1998 regarding the above matter. I have reviewed the transcript of the hearing conducted for this case, as well as the notes of which I made during presentation of the testimony and evidence. Indeed, those sources indicate a request by the Petitioner that it be given a period of five years to utilize the grant of the Special Exception. Moreover, my notes indicate that I agreed that the utilization of five years would be appropriate.

In error, my Order did not indicate that the full five years would be given. Please accept this letter, therefore, as an amendment to my Order and that the Petitioner will have five years from September 1, 1998 to utilize the special exception. This letter shall be construed as an amendment to my Order. A copy of same will be placed within the case file and attached to the original Order.

Thank you for your attention to this matter and I apologize for the omission in the original opinion and Order.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
c: Case file



Newton A. Williams
Thomas J. Renner
William P. Englehart, Jr.
Stephen J. Nolan*
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
Robert E. Cahill, Jr.
C. William Clark
Catherine A. Potthast
E. Bruce Jones**

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 298-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

* Also admitted in D.C.

** Also admitted in New Jersey

October 1, 1998

**FAX TO COMMISSIONER LAWRENCE E. SCHMIDT: 99-22-X, REQUESTED
AMENDMENT OF ORDER OF SEPTEMBER 1, 1998, FAX 410 887 3468, APPEAL PERIOD
EXPIRES TODAY, OCTOBER 1, 1998, URGENT, I WOULD DO AN AMENDED ORDER, BUT
YOUR OFFICE HAS ITS OWN FORMS, THANKS. RESPECTFULLY, NEWTON**
DEAR COMMISSIONER SCHMIDT: ON SEPTEMBER 21, 1998, I SENT THIS LETTER TO
THE LODGE. AS CAN BE SEEN IN THE ENCLOSED REPLIES, THE LODGE NEEDS A
FIVE-YEAR PERIOD TO ASSURE UTILIZATION AFTER FINANCING. WOULD YOU
PLEASE AMEND YOUR ORDER PRIOR TO THE APPEAL PERIOD EXPIRATION, AS
DISCUSSED AT UNOPPOSED HEARING. THANK YOU. RESPECTFULLY, NEWTON

September 21, 1998

Mount Nebo Lodge 229
A. F. & A. M.
9420 Belair Road
Baltimore, MD. 21236

Dear Mr. Cox, Mr., Lawrence and Mr. Keller:

RE: Zoning Approval for Upgraded Building
Opinion and Order of September 1, 1998
AND Adjacent Parcel

I was pleased as I am sure all of you were to receive Commissioner's Opinion and Order
of September 1, 1998.

The only possible problem I note is that the Commissioner neglected to state we have five
years to utilize the Special Exception. If you are sure you will start and complete within two

years, we can leave it alone. If there is any doubt, we can ask the Commissioner to amend his Order within the 30-day appeal period now running. Please review and advise.

Thanks for your letter of September 11, 1998, which crossed with my letter of the 9th.

Per your questions as to the adjacent parcel, is this parcel 236 on Map 72 enclosed? If it is, it appears that both Lodge and the parcel are zoned DR 16. This DR 16 zoning is outdated, and can be used in larger parcels for apartments, and at one time in smaller parcels for offices with a special exception. The zone no longer allows apartments by special exception, and we should look at office zoning for the 1999 and 2000 maps. The deadline to file a map request will be the end of September of 1999.

With best regards to all, and awaiting immediate word about the five years for utilization.

I am

Sincerely,

Newton A. Williams

CC:

Ronald Parker, Esq.

Paul Gorman, AIA

Vince Moskunas, M&H Engineering

FAX CC: ALLEN B. KELLER 410 688 9474

Newton A. Williams
Thomas J. Renner
William P. Englehart, Jr.
Stephen J. Nolan*
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
Robert E. Cahill, Jr.
C. William Clark
Catherine A. Potthast
E. Bruce Jones**

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

* Also admitted in D.C.

**Also admitted in New Jersey

September 23, 1998

**FAX TO COMMISSIONER LAWRENCE E. SCHMIDT: 99-22-X, REQUESTED
AMENDMENT OF ORDER OF SEPTEMBER 1, 1998, FAX 410 887 3468**

DEAR COMMISSIONER SCHMIDT: ON SEPTEMBER 21, 1998, I SENT THIS LETTER TO THE LODGE. AS CAN BE SEEN IN THE ENCLOSED REPLIES, THE LODGE NEEDS A FIVE-YEAR PERIOD TO ASSURE UTILIZATION AFTER FINANCING. WOULD YOU PLEASE AMEND YOUR ORDER PRIOR TO THE APPEAL PERIOD EXPIRATION, AS DISCUSSED AT UNOPPOSED HEARING. THANK YOU, RESPECTFULLY, NEWTON

September 21, 1998

Mount Nebo Lodge 229
A. F. & A. M.
9420 Belair Road
Baltimore, MD. 21236

Dear Mr. Cox, Mr., Lawrence and Mr. Keller:

RE: Zoning Approval for Upgraded Building
Opinion and Order of September 1, 1998
AND Adjacent Parcel

I was pleased as I am sure all of you were to receive Commissioner's Opinion and Order of September 1, 1998.

The only possible problem I note is that the Commissioner neglected to state we have five years to utilize the Special Exception. If you are sure you will start and complete within two years, we can leave it alone. If there is any doubt, we can ask the Commissioner to amend his Order within the 30-day appeal period now running. Please review and advise.

Thanks for your letter of September 11, 1998, which crossed with my letter of the 9th.

Per your questions as to the adjacent parcel, is this parcel 236 on Map 72 enclosed? If it is, it appears that both Lodge and the parcel are zoned DR 16. This DR 16 zoning is outdated, and can be used in larger parcels for apartments, and at one time in smaller parcels for offices with a special exception. The zone no longer allows apartments by special exception, and we should look at office zoning for the 1999 and 2000 maps. The deadline to file a map request will be the end of September of 1999.

With best regards to all, and awaiting immediate word about the five years for utilization.
I am

Sincerely,

Newton A. Williams

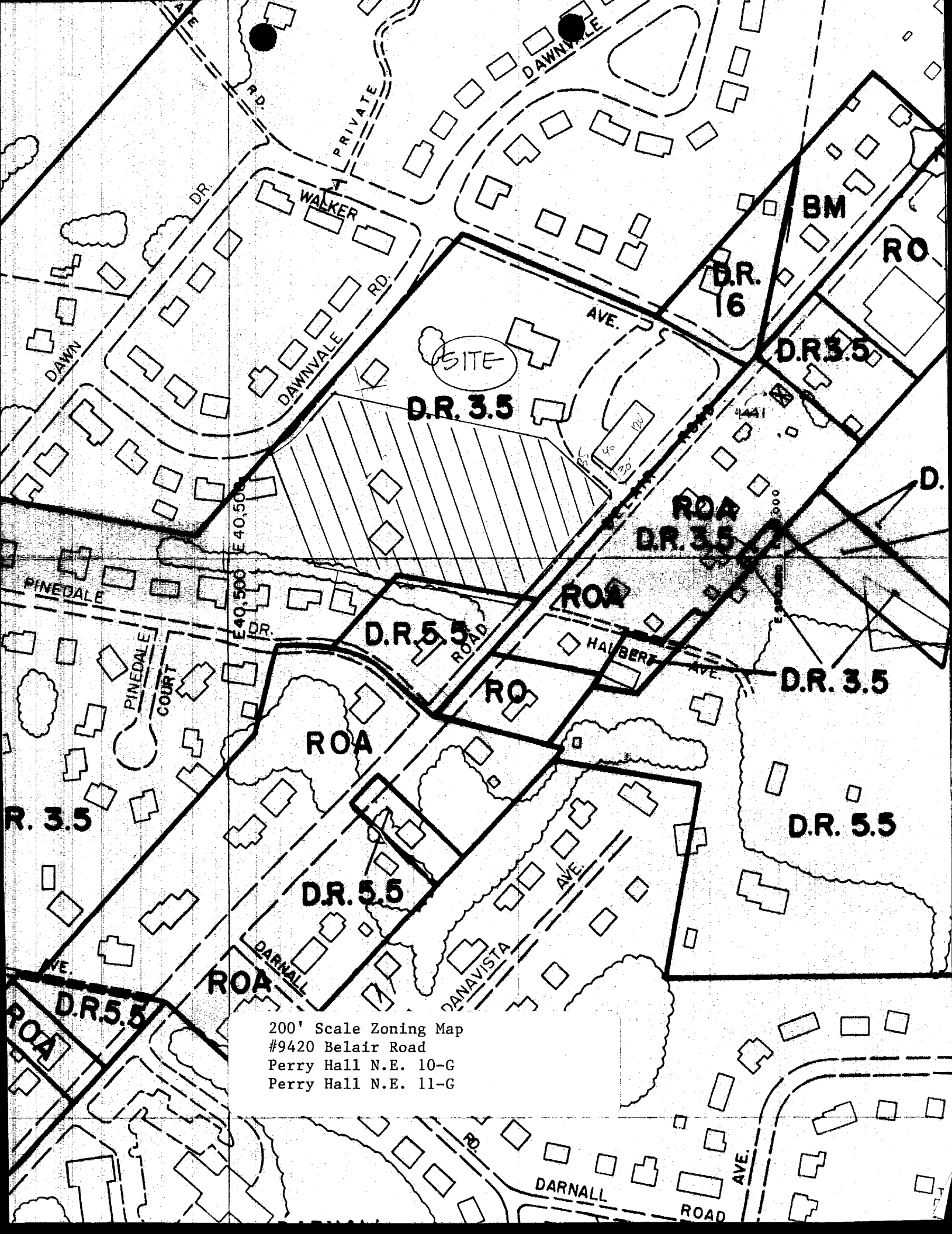
CC:

Ronald Parker, Esq.

Paul Gorman, AIA

Vince Moskunas, M&H Engineering

FAX CC: ALLEN B. KELLER 410 688 9474



200' Scale Zoning Map
#9420 Belair Road
Perry Hall N.E. 10-G
Perry Hall N.E. 11-G

B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics. [Bills No. 100, 1970; No. 124, 1981.]

1. Residential transition areas and uses permitted therein. [Bills No. 100, 1970; No. 124, 1981; No. 2, 1992.]

a. Definitions and purpose. [Bills No. 100, 1970; No. 124, 1981; No. 2, 1992.]

(1) The residential transition area (RTA) is a 100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.

(2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

b. Generation of residential transition area. {Bill No. 2, 1992.}

An RTA is generated if the property to be developed lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5, or R.C. which:

(1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or

(2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

c. Variance of RTA. {Bill No. 2, 1992.}

(1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of public works, planning and zoning, environmental protection and resource management, zoning administration and development management, recreation and parks, community development, or the economic development commission, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semi-detached or duplex dwelling.

- (2) The RTA for a tract may be modified as directed by findings pursuant to Section 26-206 and Section 26-282 of the code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.
- d. A residential transition use is any use: {Bill No. 2, 1992.}
 - (1) Permitted as of right under Paragraph 1B01.1A; or
 - (2) any use permitted by special exception under paragraph 1B01.1.C, except an accessory use permitted only by special exception; or
 - (3) any parking area permitted under paragraph 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.
- e. Conditions in residential transition areas. {Bill No. 2, 1992.}
 - (1) The RTA may contain single family detached, semi-detached or duplex dwellings.
 - (2) Group-house(1), back-to-back group houses(2), multi-family building(3) and parking lots shall be set back from the tract boundary 75 feet and provide a 50-foot RTA buffer.
 - (3) The 50-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures(4), but it may be bisected by roads, paths, and trails that are designed to connect to adjoining developments.
 - (4) The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling

or lot. The intensity of the fixture shall not exceed .2 candles at the tract boundary.

- (5) Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception, or pursuant to Section 409.8.B, shall provide a 50-foot buffer and 75-foot setback(5), and a height not to exceed 35 feet within the 100-foot transition area.

- f. Any subdivision of land or PUD that has received CRG approval or reclamation plan approval or has been accepted for filing prior to the date of adoption of Bills No. 2-92 or 3-92 is subject to the laws in effect at the time of the approval or filing. {Bill No. 2, 1992.}
- g. Exceptions to residential transition.

The restrictions contained in sub-subparagraph a. through e. above, of this Subparagraph B.1. do not apply to: {Bill No. 124, 1981; No. 109, 1982; No. 40, 1992.}

- (1) A proposed dwelling(6) to be placed in a RTA containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling which has the same or lesser number of dwelling units and party walls as the existing dwelling units. {Bills No. 124, 1981; No. 109, 1982; No. 40, 1992.}
- (2) Public utility uses (except public utility service centers and storage yards). Such uses shall be governed by the provisions of Section 411, 502 and such other applicable sections of these regulations. {Bills No. 124, 1981; No. 40, 1992.}
- (3) Notwithstanding the provisions of Section 104, the reconstruction of an existing church, community building, or other structure devoted to civic, social, recreational, fraternal, or

educational activity which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure. {Bills No. 124, 1981; No. 40, 1992.}

- (4) An addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations including setback(7), parking, and screening requirements, are maintained. {Bill No. 109, 1982; No. 40, 1992.}
- (5) A new church or other building for religious worship constructed on a parcel of land large enough to provide landscaped but otherwise unimproved yard areas of 100 feet between any improvement and any property line other than street frontages. {Bills No. 109, 1982; No. 40, 1992.}
- (6) A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. {Bills No. 109, 1982; No. 40, 1992.} ^C
- (7) Shoreline fishing and shellfish facilities. Such uses shall be governed by the provisions of Section 500.4 and Subparagraphs 1A01.2C.9, 1A02.2B.10, 1A04.2B.7 and 1B01.1C.7.a. of these regulations. {Bills No. 124, 1981; No. 109, 1982; No. 40, 1992.}
- (8) An addition to an existing trailer park(8) or mobile home park or contiguous to such park. If the park is lawfully in existence in a D.R. zone on the effective date of this act. {Bills No. 109, 1982; No. 40, 1992.}
- (9) An addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or

educational activity, including parking, and screening requirements, are maintained. {Bills No. 109, 1982; No. 40, 1992.}

- (10) A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the zoning commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. {Bills No. 109, 1982; No. 40, 1992.}
- (10a) Principal use Class A and Class B group child care centers, provided that the zoning commissioner determines, during the special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. {Bills No. 200, 1990; No. 59, 1991; No. 40, 1992.}
- (11) The conversion of a dwelling to a bed and breakfast home(9), bed and breakfast inn(10), or country inn(11) pursuant to Section 402D or 402E. {Bills No. 113, 1988; No. 40, 1992.}
- (12) Notwithstanding the provisions of Section 104, the reconstruction of an existing nursing home(12) which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure. {Bills No. 37, 1988; No. 40, 1992.}
- (12a) Transit facilities(13) and rail passenger stations(14) shall be exempt from the RTA requirements. {Bills No. 91, 1990; No. 40, 1992.}
- (13) Assisted living facilities(15), Class A. {Bill No. 188, 1993.}

- h. The provisions contained in Sub-subparagraphs a. through e. of Subparagraph B.1. shall not apply to existing developments as described in Subparagraph A.1. of Subsection 1B02.3., nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2. of said subsection. {Bills No. 100, 1970; No. 124, 1981; No. 40, 1992.}
 - 2. Use regulations in existing developments. In existing developments as described in Subparagraph A.1. of Subsection 1B02.3. uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the office of planning and zoning, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504. {Bill No. 100, 1970.}
 - 3. Use regulations for existing subdivision tracts. On subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2. of Subsection 1B02.3. the uses permitted shall be those indicated in the plan or, where the use is not indicated and if not inconsistent with the plan, the uses shall be those permitted under zoning regulations in effect at the time the tentative approval was granted. {Bill No. 100, 1970.}
- C.2 Uses Permitted by Special Exception. The following uses, only, are permitted by special exception in all D.R. zones, subject to the restrictions hereinafter prescribed: {Bills No. 105, 1982; No. 36, 1988.}
- 1. "Boarding or rooming houses(16)." deleted by Bill No. 124, 1993.}
 - 2. Boat yards, including marinas.
 - 3. Camps, public or quasi-public, including day camps.
 - 4. Conservatories for music or other arts.
 - 5. Convalescent homes.
 - 6. Community buildings, swimming pools, commercial beaches, golf courses, country clubs(17), or other similar civic, social, recreational, or educational uses, including tennis facilities(18), provided that no tennis facility in a D.R.1 or D.R.2 zone shall comprise more than 4 courts and no tennis facility in a D.R.3.5, D.R.5.5, D.R.10.5 or D.R.16 zone shall comprise more than 6 courts

(see Section 406A). {Bill No. 62, 1978.}

- 6a. Community care centers(19). {Bill No. 142, 1979.}
- 6b. Class B group child care centers for more than 40 children subject to the standards set forth in Section 424 (family child care homes(20), group child care centers(21), and nursery schools(22), and principal use Class A and Class B group child care centers providing for up to 40 children, if located in a residential transition area. {Bills No. 200, 1990; No. 59, 1991.}
- 7. Excavations, controlled (see Section 403).
- 7a. Fishing and shellfishing facilities, shoreline Class I or Class II, except that a facility existing on July 1, 1977, may continue without a special exception if a use permit has been granted for it, provided:
 - (1) That the owner (or his legally authorized representative) applies for the use permit within 6 months hereafter (see Section 500.4);
 - (2) That with the application for the use permit is filed a site plan in accordance with zoning commissioner's rules of practice and procedure;
 - (3) That any fencing, screening, or other change in the site or limitations on the manner of selling the catch necessary to make the facility more compatible with its surroundings that is required by the zoning commissioner is completed within the time limits for partial and full compliance with a program of compliance submitted to him; and
 - (4) That no increase in the amount of floor or site area or in the number of boats devoted to the use nor any other change in the site plan is made. {Bill No. 30, 1978.}
- 8. Funeral establishments.
- 9. Helistops(23).
- 9a. Home occupations(24) of disabled persons, where the use is established in a structure originally constructed as a dwelling(25) or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling and which the zoning commissioner finds to be compatible with its surrounding neighborhood, provided that:

- (1) Only three persons including the disabled person(26) and the members of his immediate family(27) who are residents of the dwelling are employed in the use on the premises; and
- (2) In any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in this occupation away from the premises of his home.

Any provision of Subsection 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

- (1) Five years after the issuance of the permit;
- (2) The death of the disabled person;
- (3) The termination of the disability; or
- (4) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person(28) and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings. {Bill No. 27, 1981.}

- 9b. Office or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25 percent of the total floor area of such residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees. {Bill No. 105, 1982.}
10. Poultry killing, commercial, as an accessory use on farms(29), only.

11. Private colleges (not including business or trade schools), dancing schools, dormitories, or fraternity or sorority houses. {Bill No. 47, 1985.} d.
 12. Public utility uses other than those permitted as of right, but excluding steam power plants, service centers, and storage yards.
 13. Public-utility service centers.
 14. Public-utility storage yards.
 15. Radio studios.
 - 15a. Rail passenger stations(30), subject to Section 434. {Bill No. 91, 1990.}
 16. Television studios.
 17. Tourist homes(31).
 18. Veterinarians' offices.
 19. Volunteer fire company stations.
 20. Wireless transmitting and receiving structures, as principal uses or structures, provided that any exterior transmitting and receiving antenna greater than 50 feet above grade level shall be considered as a principal use or structure.
 21. Continuing care facilities(32) (see Section 432). {Bill No. 36, 1988.}
 22. Assisted living facilities(33) of four or more (see Section 432). {Bill No. 36, 1988.}
 23. Assisted living facilities developed in conjunction with a nursing home(34) (see Section 432). {Bill No. 36, 1988.}
 24. Housing for the elderly(35) if the use involves a modification or waiver under Subsection 432.2, 432.3 or 432.4. {Bill No. 36, 1988.}
- D. The following provision, which was enacted by Bill No. 140, 1962, took effect on November 17, 1962, and was heretofore designated as Subsection 200.16 of these zoning regulations, is reenacted without amendment, and nothing in this article shall be construed to abrogate its effect:

Junk yards(36) and open dumps(37) as defined in Section 101. Any existing junk yards in this (R.40) or any other residential zone(38), and any existing open

dumps in any zone shall be completely eliminated not later than two years after the date of effectuation of this amendment. {Bills No. 140, 1962; 100, 1970.}

1B01.2 General Density, Bulk, Building Separation, Open Space, and Other Height and Area Standards and Regulations. {Bill No. 100, 1970.}

A. Density controls. {Bill No. 100, 1970.}

1. Application of maximum density standards to tract in one zone. The maximum gross residential density permitted in any one D.R. zone shall control only as applied to the total gross residential acreage within a subdivision tract, and shall not apply to or establish minimum areas of lots created by subdivision within such tract. {Bill No. 100, 1970.} ~~e~~
2. Application to tract divided by zone boundary. In D.R.10.5, D.R.16, or in any nonresidential zone which allows residential development, wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. zones of different classification, the total number of dwelling or density units(39) permitted, as determined by multiplying the gross acreage of each portion by the maximum density permitted under Subsection 1B02.2 in the zone within which that portion lies and totaling the results, shall be permitted without further regard to the zone boundary, and the units may be distributed over the tract as though it were in a single zone. {Bill No. 100, 1970; Bill No. 2, 1992.} ~~f~~

B. Bulk regulations. ~~g~~ {Bill No. 100, 1970.}

1. Detached and attached buildings. In the application of the provisions of this article, buildings shall be considered as detached if there are no above-grade structural connections between them. If buildings are, in fact, structurally connected above grade, they shall be considered as mutually attached buildings if divided by lot lines, or as one building if situated on a single lot. {Bill No. 100, 1970; Bill No. 2, 1992.}
2. Building lengths. The building lengths have been described in accordance with Section 504.2, Comprehensive Manual of Development Policies. {Bills No. 100, 1970; No. 2, 1992.}

C. Building Setback Requirements. {Bill No. 2, 1992.}

1. Except as otherwise may be provided under standards adopted pursuant to Section 5 the minimum setbacks and heights shall be as set forth in the following tables:

- a.

| NONRESIDENTIAL PRINCIPLE BUILDING SETBACKS IN D.R. ZO | | | |
|---|---------------|--------------------------|--------------------------|
| | Front Yard | Side Yard Interior | Corner Street Side |
| D.R.1 | 70 | 40 | 65 |
| D.R. 2 | 60 | 30 | 50 |
| D.R. 3.5 | 50 | 20 | 35 |
| D.R. 5.5 | 40 | 20 | 35 |
| D.R. 10.5 | 25 | 20 | 35 |
| D.R. 16 | 30 | 25 | 25 |
| [Bill No. 2, 1992] | | | |

Endnotes

1 (Popup - Group House)

Group House: A group of not less than three attached dwelling units which have been constructed together in a lateral row surrounded by yard space, each dwelling unit separated from another by a party wall. Group houses include town-house apartment buildings, grouphouse apartment buildings, back-to-back group houses, and other groups of at least three attached dwellings. A group house does not include a duplex or semi-detached dwelling. A single-family group house refers to any one dwelling within the attached group. [Bills No. 100, 1970; No. 2, 1992.]

2 (Popup - Group House, Back to Back)

Group House, Back-To-Back: A group house which is attached to two or more other dwelling units by a side and rear party wall. {Bill No. 2, 1992.}

3 (Popup - Multi-Family Building)

Multi-Family Building: A structure containing three or more apartments. A multi-family building includes garden and other apartment buildings. {Bill No. 2, 1992.}

4 (Popup - Accessory Use or Structure)

Accessory Use or Structure: A use or structure which: (a) is customarily-incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. [Bills No. 100, 1970; No. 26, 1988.]

5 (Popup - Setback)

Setback: The required minimum horizontal distance between the building line (as defined in Section 101) and the related front, side, or rear property line. [B.C.Z.R., 1955; Bill No. 138, 1962.]

6 (Popup - Dwelling)

Dwelling: A building or portion thereof which provides living facilities for one or more families. [B.C.Z.R., 1955.]

7 (Popup - Setback)

Setback: The required minimum horizontal distance between the building line (as defined in Section 101) and the related front, side, or rear property line. [B.C.Z.R., 1955; Bill No. 138, 1962.]

8 (Popup - Trailer Park)

Trailer Park: A tract of land specifically planned and equipped to accommodate residential trailers for temporary or continuing occupancy, including all buildings, structures, tents, vehicles, utilities, and accessories used or intended as equipment for such trailer park. [B.C.Z.R, 1955.]

9 (Popup - Bed and Breakfast Home)

Bed and Breakfast Home: A home occupation that provides one to three rooms (limited to two persons or one family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost. A bed and breakfast home is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402D of these regulations. [Bill No. 113, 1988.]

10 (Popup - Bed and Breakfast Inn)

Bed and Breakfast Inn: A tourist home that provides four to twelve rooms (limited to a maximum of 16 persons) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost. A bed and breakfast inn is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402D of these regulations. [Bill No. 113, 1988.]

11 (Popup - Country Inn)

Country Inn: A bed and breakfast inn that also contains a full-service restaurant which also serves the general public. A country inn is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402E of these regulations. [Bill No. 113, 1988.]

12 (Popup - Nursing Home)

Nursing Home: (Formerly Convalescent Home): A facility which provides board, shelter, and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home. [Bill No. 37, 1988.]

13 (Popup - Transit Facility)

Transit Facility: A structure or any combination of structures, including at-grade, elevated, or below-grade fixed guideways, tunnels, electrical substations, or fixtures necessary to support public mass transportation operations owned or operated by or on behalf of the mass transit administration. This term shall not include a transit center, a transit storage and repair yard, bus terminal, or rail passenger station. [Bill No. 91, 1990.]

14 (Popup - Rail Passenger Station)

Rail Passenger Station: A facility designed as a place for boarding and alighting from rail passenger vehicles. A rail passenger station may include such facilities as bus bays, parking areas or taxicab stands as accessory uses. [Bill No. 91, 1990.]

15 (Popup - Assisted Living Facility)

Assisted Living Facility: A building, or a section of a building, or a residence that provides: 1) a residential environment assisted by congregate meals, housekeeping, and personal services, for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for persons, regardless of age, who have physical or developmental disabilities; or 2) three daily meals in a family setting, housekeeping, and personal services such as assistance with bathing, dressing or laundry for no more than 15 persons 62 years of age or older, and which satisfies and complies with Section 432 of these regulations. Such a facility must be certified or licensed by the Maryland Office of Aging as is otherwise required in COMAR, Title 14.11.07, and {Bill No. 188, 1993}

A. Where such services are located in a converted dwelling or other building that has not been enlarged to accommodate the facility by more than 25% of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class A. {Bill No. 188, 1993.}

B. Where such services are located in a new building constructed for that purpose or in a dwelling or other building that has been enlarged to accommodate the facility by 25% or more of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class B. {Bill No. 188, 1993.}^a

For the purposes of these regulations, this definition does not include: 1) a room or dwelling unit containing a complete kitchen, including a stove, intended for the daily preparation of meals for the resident; or 2) the provision of personal, housekeeping and congregate meal services in housing for the elderly, in a multi-family building or in other dwellings designed with complete kitchens in individual units. Density for such facilities shall be calculated at 0.25 for each bed. {Bill No. 188, 1993.}

Any such facility which is not covered by another chapter of the National Fire Protection Association Life Safety Code, 1991 Edition, shall comply with Chapter 22 of said code, entitled Residential Board and Care Occupancies. However, a facility with less than four persons who are capable of self-preservation and prompt evacuation is exempt. [Bills No. 36, 1988; No. 188, 1993.]

16 (Popup - Boarding or Rooming House)

Boarding or Rooming House: A building:

A.1. Which is the primary residence of the owner and in which rooms with or without meals are provided, for compensation, to three or more adult persons not related by blood, marriage or adoption to the owner; or

2. Which is not the owner's residence and which is occupied in its entirety by three or more adult persons not related by blood, marriage or adoption to each other.

B. The term does not include a hotel, motel, apartment building, or a facility for foster care (as defined in the Family Law Article, Section 5-501(F) of the Annotated Code of Maryland and COMAR 07.02.17). The term does include a care home (as defined in the Health General Article, Section 19-307(B) of the Annotated Code of Maryland. {B.C.Z.R., 1955; Bills No. 44, 1982; No. 124, 1993.}

17 (Popup - Country Club)

Country Club: A 9 or 18-hole golf course with a clubhouse and other appropriate facilities, which may include other recreational facilities (see Section 406A). [Bill No. 62, 1978.]^C.

18 (Popup - Tennis Facility)

Tennis Facility: A single court, or 2 or more adjoining courts on a single lot, for playing tennis, paddleball, handball, squash, jai alai, or other, similar games or sports. [Bill No. 62, 1978.]

19 (Popup - Community Care Center)

Community Care Center: A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision, or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization. [Bill No. 142, 1979.]

20 (Popup - Family Child Care Home)

Family Child Care Home: A private residence wherein care, protection, and supervision is provided for a fee for part or all of a day at least twice a week to no more than eight children at one time including children of the adult provider. The operator of a family child care home shall hold at least one fire drill each week for the benefit of the children (see Section 424). [Bills No. 47, 1985; No. 7, 1991.]

21 (Popup - Group Child Care Center)

Group Child Care Center: A building or structure wherein care, protection and supervision is provided for part or all of a day, on a regular schedule, at least twice a week to at least nine children including children of the adult provider (see Section 424). [Bills No. 47, 1985; No. 7, 1991.]

22 (Popup - Nursery School)

Nursery School: A school or a level within a school providing educational instruction for children between two and four years old. [Bill No. 47, 1985.]

23 (Popup - Helistop)

Helistop: Any area of land, water, or structural surface which is located at least 500 feet from any property line, which has been authorized by the director of public safety^Z to be used for helicopter operations, which is not a heliport, and which does not serve for major support operations (see definition

for "Heliport, Type II"); or any area of land, water or structural service⁸ which is located closer than 500 feet to a property line, which has been authorized by the director of public safety⁹ to be used for not more than 15 helicopter operations per month, which is not a heliport, and which does not serve for major support operations. [Bill No. 85, 1967.]

24 (Popup - Home Occupation)

Home Occupation: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling. [B.C.Z.R., 1955, Bills No. 124, 1978; No. 27, 1981.]

25 (Popup - Dwelling)

Dwelling: A building or portion thereof which provides living facilities for one or more families. [B.C.Z.R., 1955.]

26 (Popup - Disabled Person)

Disabled Person: Any person who at the time of the filing of a petition for special exception for a home occupation of a disabled person has been determined to be disabled or handicapped pursuant to the provisions and procedures prescribed in Subsection 13-616(A)(1) of the transportation article of the Annotated Section 13-616(A)(1) of the Transportation Code of Maryland, 1977 Volume, 1980 Cumulative Supplement, as amended; in U.S.C.A. Sec. 416; in 29 U.S.C.A. Sec. 715; or in 42 U.S.C.A. Sec. 6001 (7). [Bill No. 27, 1981.]

27 (Popup - Family)

Family: Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel. {B.C.Z.R., 1955.}

28 (Popup - Disabled Person)

Disabled Person: Any person who at the time of the filing of a petition for special exception for a home occupation of a disabled person has been determined to be disabled or handicapped pursuant to the provisions and procedures prescribed in Subsection 13-616(A)(1) of the transportation article of the Annotated Section 13-616(A)(1) of the Transportation Code of Maryland, 1977 Volume, 1980 Cumulative Supplement, as amended; in U.S.C.A. Sec. 416; in 29 U.S.C.A. Sec. 715; or in 42 U.S.C.A. Sec. 6001 (7). [Bill No. 27, 1981.]

29 (Popup - Farm)

Farm: Three acres or more of land, and any improvements thereon, used primarily for commercial

agriculture, as defined in these regulations, or for residential and associated agricultural uses. The term does not include the following uses as defined in these regulations: limited acreage wholesale flower farms, riding stables, landscape service, firewood operations, and horticultural nursery businesses. {Bills No. 85, 1967; No. 51, 1993.}

30 (Popup - Rail Passenger Station)

Rail Passenger Station: A facility designed as a place for boarding and alighting from rail passenger vehicles. A rail passenger station may include such facilities as bus bays, parking areas or taxicab stands as accessory uses. [Bill No. 91, 1990.]

31 (Popup - Tourist Home)

Tourist Home: A rooming house primarily for transient guests. [B.C.Z.R., 1955.]

32 (Popup - Continuing Care Facility)

Continuing Care Facility: A building or group of buildings that contains dwelling facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. [Bill No. 36, 1988.]

33 (Popup - Assisted Living Facility)

Assisted Living Facility: A building, or a section of a building, or a residence that provides: 1) a residential environment assisted by congregate meals, housekeeping, and personal services, for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for persons, regardless of age, who have physical or developmental disabilities; or 2) three daily meals in a family setting, housekeeping, and personal services such as assistance with bathing, dressing or laundry for no more than 15 persons 62 years of age or older, and which satisfies and complies with Section 432 of these regulations. Such a facility must be certified or licensed by the Maryland Office of Aging as is otherwise required in COMAR, Title 14.11.07, and {Bill No. 188, 1993}

A. Where such services are located in a converted dwelling or other building that has not been enlarged to accommodate the facility by more than 25% of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class A. {Bill No. 188, 1993.}

B. Where such services are located in a new building constructed for that purpose or in a dwelling or other building that has been enlarged to accommodate the facility by 25% or more of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class B. {Bill No. 188, 1993.}^a

For the purposes of these regulations, this definition does not include: 1) a room or dwelling unit



Case No. 99-22-X - Mt. Neko Lodge

9420 Belair Road.

Id No³

